REMARKS

The final Office action mailed on 10 February 2006 (Paper No. 20060123) has been carefully considered.

Claims 1, 3, 5 and 6 are being amended, and new claims 17 and 18 are being added. Thus, claims 1 thru 18 are pending in the application.

With respect to the claim amendments, it should be noted that independent claim 1 is merely being amended to correct the spelling of the word "tuner" as suggested by the Examiner in paragraph 1 on page 2 of the final Office action, and to change "the" to "a" before "channel selection page". Moreover, dependent claims 3, 5 and 6 are being amended to replace the term "cookie" by the term "web browser cookie" as suggested by the Examiner in the first complete paragraph on page 3 of the final Office action. Finally, dependent claims 17 and 18 are being added to recite that the first and second cookies comprise "web browser cookies", this change being consistent with the suggestion set forth by the Examiner in the first complete paragraph on page 3 of the final Office action.

Thus, the amendments to the claims are merely made for the purposes of improving form and implementing the suggestions made by the Examiner in the final Office action. The Examiner apparently contemplated such amendments to the claims when examining the application in connection with the issuance of the previous Office action. Thus, it cannot be

said that the claim amendments raise "new issues" requiring further consideration and/or search by the Examiner since the Examiner has apparently already considered the subject matter of the claim amendments when preparing the first Office action. As a result, this Amendment After Final should be entered since it does not raise new issues requiring further consideration and/or search by the Examiner.

In paragraph 1 of the Office action, the Examiner objected to claim 1 because of the misspelling of the word "tuner". Claim 1 is being amended to change "turner" to "tuner", and thus the objection should now be withdrawn.

In paragraph 4 of the final Office action, the Examiner rejected claims 1 thru 6 under 35 U.S.C. §102 for alleged anticipation by Morrison U.S. Patent No. 6,359,580. In paragraph 6 of the final Office action, the Examiner rejected claims 7 thru 16 under 35 U.S.C. §103 for alleged unpatentability over Morrison '580 in view of Van Der Vleuten U.S. Patent No. 6,460,183. For the reasons stated below, it is submitted that the invention recited in the claims is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 and/or §103.

In paragraph 6 of the final Office action, in connection with the rejection of claims 1 thru 6 under 35 U.S.C. §102 based on Morrison '580, the Examiner alleges that Morrison '580 teaches a channel information processor for extracting user input channel information

from the control signal from a controller, and for transferring the extracted user input channel information to the tuner (*see* page 5, lines 22-24 of the final Office action). In that regard, the Examiner cites the tuner controller 104 of Figure 4 of Morrison '580, as well as column 3, lines 55-57 of the patent.

However, the cited portion of the text of the patent (column 3, lines 55-57) merely states that the tuner controller 104 generates a tuning voltage and bandswitching signals in response to control signals applied from the system control microcomputer 110. Thus, there is no mention whatsoever in Morrison '580 of a channel information processor which extracts user input channel information from a control signal from a controller, and which transfers the extracted user input channel information to a tuner.

In the second paragraph on page 2 of the final Office action, the Examiner responds to the latter argument by arguing that, in Morrison '580, tuner controller 104 generates a tuning voltage and bandswitching signals, "which is a form of channel information that is needed by tuner 100 in order to tune to the request [*sic*] channel" (quoting from page 2, lines 11-13 of the final Office action). However, the fact that the tuner controller 104 of Morrison '580 generates a tuning voltage and bandswitching signals does not constitute the performance of the function of **extracting** user input channel information from a control signal. Thus, in this respect, the invention is distinguishable from the disclosure of Morrison '580.

In addition, on page 6 of the final Office action, the Examiner alleges that Morrison '580 teaches that "a broadcast of the user input channel is displayed without displaying the channel selection page" (*see* page 6, lines 7-8 of the final Office action). The Examiner asserts that, in Morrison '580, viewers can change channels in a variety of ways, including channel up and channel down functions on a remote control, and that the system then internally processes the selected channel to determine whether there is more than one source for that entry. According to the Examiner, if there is not more than one source for the entry, the system immediately tunes the television to the desired channel regardless of the current source (citing column 2, lines 39-58 of Morrison '580).

However, the portion of Morrison '580 cited by the Examiner (column 2, lines 39-58), and in fact the patent in its entirety, do not disclose a system wherein the broadcast of the user input channel is displayed without displaying a channel selection page. In fact, Figure 2 of Morrison '580 is described as a screen display for a given channel in which a cable source is highlighted (*see* column 2, lines 25-27 of Morrison '580). Thus, in effect, Figure 2 is a channel selection page or at least a suggestion of a channel selection page. Thus, Morrison '580 actually teaches away from a system wherein a broadcast of the user input channel is displayed **without** displaying a channel selection page.

In the paragraph bridging pages 2 and 3 of the final Office action, the Examiner states disagreement with the latter argument by noting that "Morrison teaches ... [that] the system

immediately tunes the television to the desired channel regardless of the current source" (quoting from the sentence bridging pages 2 and 3 of the final Office action). In this regard, the Examiner cites column 2, lines 57-59 of Morrison '580. However, as also mentioned by the Examiner at the top of page 3 of the final Office action, the cited portion of Morrison '580 reveals that a message is displayed to the user asking the user to select a source when a conflict is detected (*see* column 2, lines 58-59 of Morrison '580). Thus, in this particular case, the broadcast of the user input channel is **not** displayed without displaying a channel selection page. In other words, whereas the system of Morrison '580 might, in the case of a conflict, tune to the desired channel, the broadcast on that channel is not displayed, but rather a display message 22 (shown in Figure 2 of Morrison '580) is shown so as to allow the viewer to choose from among displayed sources. Therefore, as argued above, Morrison '580 actually teaches away from a system wherein a broadcast of the user input channel is displayed **without** displaying a channel selection page because, in the case of a conflict, the system of Morrison '580 displays a message rather than displaying the broadcast of the user input channel.

For these reasons, the rejection under 35 U.S.C. §102 based on Morrison '580 is clearly inappropriate because Morrison '580 does not disclose all of the elements and functions recited in independent claim 1. Moreover, a rejection under 35 U.S.C. §103 is also inappropriate since Morrison '580 does not suggest certain elements and/or functions recited in independent claim 1, and in fact Morrison '580 teaches away from one of the functions or

characteristics of the invention recited in independent claim 1, that is, the feature wherein a broadcast of the user input channel is displayed without displaying the channel selection page. As pointed out above, Morrison '580 teaches away from this feature by actually providing a channel selection page in Figure 2 of the patent.

With respect to dependent claims 3 and 5, those claims provide additional features not disclosed or suggested in Morrison '580. Specifically, there is no disclosure or suggestion whatsoever in Morrison '580 of the feature of the invention wherein the program stores the current channel information as a cookie file as recited in dependent claim 3, or the feature wherein the controller is responsive to the user input channel for storing a changed channel selection page as a cookie value as recited in dependent claim 5.

With respect to the rejection of these claims, the Examiner states that "cookie" is being interpreted with its broadest interpretation as a quantity used to indicate or signal to a recipient of data significant changes in the state of an entity supplying data (*see* the last paragraph on page 6 and the second and third paragraphs on page 7 of the final Office action). However, the specification of the present application contains a detailed description of the term "cookie" as used in the specification and claims of the present application, and thus, when the term "cookie" is interpreted as disclosed in the specification, one must conclude that Morrison '580 does not disclose or suggest the features recited in dependent claims 3 and 5 involving the storage of current channel information as a cookie file (claim

3) or the use of a controller responsive to the user input channel for storing a changed channel selection page as a cookie value (claim 5). In the latter regard, for the definition of the term "cookie" as used in the present application, the Examiner is referred to paragraph [0046] of the specification.

In the latter regard, in the first complete paragraph on page 3 of the final Office action, the Examiner states that "the applicant should consider rewording the claim to be clearer as to what type of cookie is intended. For example[,] by the definition given in the specification, examiner suggests changing cookie to a web browser cookie" (quoting from page 3, lines 11-13 of the final Office action). Therefore, as indicated above, dependent claims 3, 5 and 6 are being amended to replace the term "cookie" by the term "web browser cookie". Moreover, new dependent claims 17 and 18 are being added to recite that the first and second cookies comprise "web browser cookies" in accordance with the suggestion made by the Examiner. Thus, it is submitted that the recitations of these dependent claims (3, 5, 6, 17 and 18) further distinguish the invention from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 or §103.

Turning to consideration of the rejections under 35 U.S.C. §103 based on the combination of Morrison '580 and Van Der Vleuten '183, initially, it should be noted that, with respect to the rejection of each of independent claims 7, 9, 12 and 14, the Examiner has admitted that Morrison '580 does not disclose or suggest any of the steps recited in

independent method claims 7 and 9 (*see* paragraph 6 on page 8 and the paragraph bridging pages 10 and 11 of the final Office action), and that Morrison '580 does not disclose or suggest any of the elements or components of the digital TV recited in independent claims 12 and 14 (*see* page 14, lines 9-15 and page 16, line 18 thru page 17, line 3 of the final Office action). This raises a serious question as to the propriety and validity of this rejection under 35 U.S.C. §103.

Specifically, if Morrison '580 does not disclose or suggest any of the steps of the method recited in claims 7 and 9, and does not disclose or suggest any of the components of the invention recited in claims 12 and 14, it is doubtful that one of ordinary skill in the art, upon reviewing the primary reference (Morrison '580), would be motivated or instructed to seek the disclosure of the secondary reference (Van Der Vleuten '183), and it is doubtful that one of ordinary skill in the art would be sufficiently motivated or instructed to modify the disclosure of Morrison '580 in accordance with the disclosure of Van Der Vleuten '183 so as to obtain the present invention. In fact, since the Examiner has admitted that Morrison '580 does not disclose or suggest any of the steps or components of the claimed invention, the amount of effort involved in modifying the disclosure of Morrison '580, given the disclosure of Van Der Vleuten '183, so as to obtain the present invention involves an amount of effort which rises above the level of mere obviousness. For the latter reasons, it is submitted that the rejection under 35 U.S.C. §103 is highly questionable, and constitutes an invalid rejection.

In the last paragraph on page 3 of the final Office action, the Examiner disputes the latter argument by stating that the Examiner "recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art" (quoting from the last paragraph on page 3 of the final Office action). The Examiner then cites column 1, lines 14-35 of Van Der Vleuten '183 as providing the required motivation (*see* page 4, line 3 of the final Office action). However, as mentioned above, the failure of Morrison '580 (as admitted by the Examiner) to disclose or suggest any of the steps or components of the claimed invention makes it highly unlikely that one of ordinary skill in the art, upon reviewing the disclosure of Morrison '580, would even be led to or would even discover the Van Der Vleuten '183 patent. Thus, one of ordinary skill in the art, upon reviewing the disclosure of Morrison '580, would not have had access to Van Der Vleuten '183, and thus would not have been able to derive from that reference the motivation to combine the references as suggested by the Examiner in the paragraph bridging pages 3 and 4 of the final Office action.

Turning to consideration of the method recited in independent claim 7 and the digital TV recited in independent claim 12, those claims distinguish the invention from the cited prior art on several bases.

Firstly, contrary to the assertion set forth by the Examiner on pages 8 and 14 of the final Office action, Van Der Vleuten '183 does not disclose or suggest the production of a channel selection page. In that regard, the Examiner cites column 5, lines 7-25 of Van Der Vleuten '183, but a review of that portion of the patent does not reveal any disclosure or suggestion of the production of a channel selection page. The most that is disclosed therein is a "history list", but this does not constitute the production of a channel selection page in the context of the present application, including the specification and claims.

In the first complete paragraph on page 4 of the final Office action, the Examiner disputes the latter argument by stating that "the applicant is reminded that the claim is interpreted in light of the specification and the applicant should clearly define channel selection page considering a history list or an on screen EPG page can be considered a channel selection page" (quoting from page 4, lines 10-13 of the final Office action). Applicant respectfully disagrees in that independent claim 7 recites more than merely a channel selection page. Rather, independent claim 7 recites the production of a channel selection page, followed by producing and storing a first cookie for the channel selection page, as well as producing and storing a second cookie for the changed information of the channel selection page. These features of the channel selection page, or operations in connection with the channel selection page, are not disclosed or suggested in Van Der Vleuten '183 as alleged by the Examiner.

Secondly, contrary to the assertions on pages 9 and 15 of the final Office action, Van Der Vleuten '183 does not disclose or suggest the provision of first and second cookies as recited in the claims. In that regard, as discussed above, the Examiner has apparently given the term "cookie" its broadest interpretation, but it is respectfully submitted that the Examiner is stretching the term "cookie" beyond its reasonable interpretation, especially in view of the fact that the specification of the present application contains a specific definition of the term "cookie" as used in the disclosure and claims of the present application.

For the above reasons, it is submitted that the method recited in independent claims 7 and the digital TV recited in independent claim 12 are distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §103.

Turning to consideration of the invention recited in independent claims 9 and 14, contrary to the assertions contained on pages 11 and 17 of the final Office action, Van Der Vleuten '183 does not disclose or suggest the step or function of extracting channel information from a channel selection page and storing the extracted channel information in the form of a file, as recited in claims 9 and 14. In that regard, as stated above, Van Der Vleuten '183 does not even disclose or suggest the provision of a channel selection page, and thus it is clear that there is no disclosure or suggestion of the extraction of channel information from such a channel selection page.

In the last paragraph on page 4 of the final Office action, the Examiner disputes the above arguments by alleging that Van Der Vleuten '183 "discloses [that] a user can display a history list on the television screen, enabling the user to select a preset by picking a preset from the history list" (quoting from page 4, lines 17-18 of the final Office action). In that regard, the Examiner cites column 5, lines 55-63 of Van Der Vleuten '183. However, contrary to the further assertion by the Examiner, in Van Der Vleuten '183, channel information is not extracted from a channel selection page. Rather, as admitted by the Examiner, the history list of Van Der Vleuten '183 merely contains one or more presets which can be selected by the user in order to switch to a given channel. This does not constitute the extraction of channel information from a channel selection page, as claimed in the present application.

In the latter regard, on pages 8 and 11 of the final Office action, the Examiner also alleges that Van Der Vleuten '183 teaches the production of a channel selection page, again citing column 5, lines 7-25 of the patent. However, as discussed above, a review of that portion of the specification of Van Der Vleuten '183, as well as a review of the patent in its entirety, fails to reveal any disclosure or suggestion of the production of a channel selection page. As stated above, the most that is disclosed is a "history list" which does not constitute a "channel selection page" in the context of the present application.

As mentioned above, in the first complete paragraph on page 4 of the final Office action, the Examiner states "that the claim is interpreted in light of the specification and the applicant should clearly define channel selection page considering a history list or an on screen EPG page can be considered a channel selection page" (quoting from page 4, lines 10-13 of the final Office action). However, as mentioned above, independent claims 9 and 14 recite more than the mere production of a channel selection page. In fact, as also mentioned above, those claims recite that a first cookie for the channel selection page is produced and stored, and that a second cookie for the changed information of the channel selection page is produced and stored. These functions or steps are not disclosed or suggested in Van Der Vleuten '183, and thus the invention is distinguishable from the prior art on that basis.

For the above reasons, it is submitted that the invention recited in independent claims 9 and 14 is distinguishable from the prior art so as to preclude rejection under 35 U.S.C. §103.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

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No fee is incurred by this Amendment After Final.

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